

FARMINGTON CITY PLANNING COMMISSION

Wednesday, August 7, 2002

PLANNING COMMISSION REGULAR SESSION

Present: Present: Chairman Linda Hoffman, Kent Forsgren, Larry Jensen, Cindy Roybal, Cory Ritz, Sid Young, City Planner David Petersen, and Deputy City Recorder Jeane Chipman. Bart Hill was excused.

Chairman Hoffman called the meeting to order at 6:00 P.M.

APPROVAL OF MINUTES

Sid Young *MOVED* that the minutes of the July 11, 2002, Planning Commission Meeting be approved with corrections. **Larry Jensen** seconded the motion. The Commission voted unanimously in favor.

After a brief discussion, **Larry Jensen** *MOVED* that the Planning Commission approve the revised paragraph from minutes for the June 13, 2002, meeting as follows:

13. The east boundary of the Griffin property abuts the west side of the unimproved 100 West right-of-way. Meanwhile, properties owned by Candland L. Olsen and Diument Inv. Co. et. al. abut the other side, or east side, of said right-of-way. It is contemplated that as Olsen and Diument develop they will construct and improve the entire width of the 1100 West right-of-way as it abuts their respective properties. These improvements will include but not necessarily be limited to curb and gutter on both sides of the street, asphalt (less any system improvements), and sidewalk on the east side of the right-of-way. In the event Olsen and Diument do not develop and the City finds it necessary to improve the 1100 West right-of-way, the property owners of Lots 4, 5, and 6 shall be responsible to improve among other things, curb, gutter, and 19' of asphalt for the west side of the said right-of-way. Extension agreements between Griffin and the City shall be recorded on these lots prior to final plat recordation requiring the improvements discussed herein.

Cory Ritz seconded the motion which passed by unanimous vote.

A discussion ensued regarding the possibility of reconsidering the decision made for road improvements in and abutting the Griffin subdivision. However, Planning Commissioners felt that they had spend a good deal of time and energy working through the issues and that they had already reached what they felt was fair and equitable for the developer and City. The decision made had already been a compromise.

Kent Forsgren *MOVED* that the Planning Commission not reconsider the road

improvement extension agreement condition as just approved which will run with the 3 lots mentioned in perpetuity. **Cory Ritz** seconded the motion, which passed by unanimous vote.

Reasons for the motion included:

1. The approved revised paragraph clarified the conditions required by the City.
2. The approved paragraph was fair and equitable and protected the City in the event Diumentti and Olsen do not develop and the City were eventually to need the street.
3. The approved paragraph already represents a compromise position.

FARMINGTON BAY ENTERPRISES REQUEST FOR RECOMMENDATION FOR FINAL PLAT APPROVAL FOR THE FARMINGTON BAY BUSINESS PARK i SUBDIVISION CONSISTING OF ONE LOT AND TWO PARCELS COVERING 14.18 ACRES LOCATED AT APPROXIMATELY 1200 SOUTH 650 WEST IN AN LM&B ZONE (S-1-02) (Agenda Item #2)

The following information was contained in the packet:

Background Information:

The City Engineer and others have reviewed final improvement plans and have included their comments including redlined drawings back to the applicant. The developer has submitted a soils report and prepared an 80-foot road cross section consistent with the staff recommendations for this area.

END OF PACKET MATERIAL.

Mr. Petersen discussed trail placement in several scenarios, including whether or not the Legacy Highway is constructed. It was possible to delay discussion regarding trails on the east side of the road until a decision is made on the Legacy project. However, the City may need to reserve the right to require a trail on the east side in the event Legacy is not constructed.

Larry Jensen *MOVED* that the Planning Commission recommend that the City Council grant final plat approval subject to all applicable Farmington City standards and ordinances and the following conditions:

1. Final improvement drawings, including the grading and drainage plan shall be reviewed and approved by the City Engineer, Public Works Department, Fire Department, Central Davis County Sewer District, and the Weber Basin Conservancy District.

2. The applicant shall comply with all conditions of the preliminary plat approval given by the Planning Commission on July 11, 2002.
3. The applicant shall comply with all conditions of the conditional permit approved by the Planning Commission on July 11, 2002.
4. The developer shall enter into a development agreement (or extension agreement) regarding the improvements adjacent to Lot 1 on the east side of the 650 West right-of-way.
5. A note shall be placed on the plat identifying parcels A and B as non-building lots to be developed in the future.
6. Weber Basin Water Conservancy District shall be the irrigation company identified on the plat.
7. A 10-foot wide public utilities easement shall be provided abutting the front and rear property lines of Lot 1, Parcel A and Parcel B.
8. A note shall be placed on the final plat indicating the soils report has been prepared and submitted to the City for the proposed subdivision in accordance with the provisions of this Title.
9. The cross section for improvements on 650 West shall be approved as presented, however, in the event that Legacy Highway is not constructed, Farmington City reserves the right to require an equestrian trail on the east side of 650 West.

Sid Young seconded the motion, which passed by unanimous vote.

Reasons for the motion included:

1. The requirements are consistent with requirements listed in preliminary plat approval.
2. The developer had cooperated with City requests and had worked hard to preserve City character.
3. The conditions of approval protect equestrian uses in west Farmington.

PUBLIC HEARING: REQUEST BY JULIE STRINGFELLOW TO AMEND SECTION 11-35-104 OF THE ZONING ORDINANCE TO ALLOW NOT MORE THAN 12 INDIVIDUALS TO BE CARED FOR OR RECEIVE INSTRUCTION IN A HOME AT ANY ONE TIME (ZT-3-02) (Agenda Item #3)

Background Information:

Recently, three or four years ago, the State Code was amended regarding the number of students or children allowed in a family (or home occupation) preschool or day care. Before a Type I facility allowed no more than six (6) children and now the State code allows from five (5) to eight (8) children. In the past a Type II facility allowed between seven (7) and twelve (12) but now it allows between nine (9) and sixteen (16) children. The applicant, Ms. Stringfellow, has a licensed Type II facility but the current Farmington City Ordinance prevents her from having 14 students. Should Farmington City amend the Zoning Ordinance to match the new State standards? If the local ordinance is amended Ms. Stringfellow will likely request a modification to her conditional use permit for 12 students which was approved in September of 1995.

The City Attorney has been contacted regarding the matter and thus far he does not see any obstacles to amending the City ordinance. The amendment is acceptable to the Building Inspector if all building codes are met.

Some of the other cities in Davis County allow up to 16 students as a conditional use but some still only allow 12. Layton has a set time limit for any one "school" session to last no longer than 3 hours. Should Farmington City establish a similar standards?

City	Total Number of Preschoolers Allowed
Kaysville	12
Fruit Heights	16
Bountiful	16
Clearfield	11
Layton	12
North Salt Lake	6
West Bountiful	12

END OF PACKET MATERIAL.

Mr. Petersen explained the State code change and how it would effect the City's current requirements. The number of children allowed in a home before a license is required is 5. Over that, it becomes either a Type I facility (5 to 8 children) or a Type II facility (9 to 16 children). Mr. Petersen also reviewed the survey taken of other nearby communities in addition to those listed above.

Chairman Hoffman opened the meeting to a *PUBLIC HEARING* and invited the applicant to address the Commission.

A discussion ensued including the following points:

- ▮ Pre-schools are usually facilities that have children in a learning situation for only

a few hours at a time. Day-care facilities care for children for longer periods of time without necessarily including a teaching program.

- ↯ The applicant is requesting that she be allowed to care for up to 14 children in a teaching situation (pre-school).
- ↯ The applicant would only accept 4 and 5 year old children who would be attending kindergarten the following year.
- ↯ There would be two adults present at the pre-school.
- ↯ The applicant holds a day care license in order to obtain federal funding for meals served at the pre-school.
- ↯ The City requires a conditional use permit in order to run a pre-school.
- ↯ The State does not differentiate between day care and pre school facilities. And the City does not have any definitions regarding the two types of services.

[Chairman Hoffman turned the meeting over to Vice-Chairman Jensen. She was required to leave at 6:45 P.M.]

Kent Forsgren *MOVED* that the Planning Commission recommend to the City Council that they amend Section 11-35-104(1) and 11-35-103 (11) consistent with State Law:

Uses in which over five (5) but not more than sixteen (16) individuals (including any natural, adopted, or foster members of the operator's household) are cared for or receive instruction in the home at any one time. Such uses may include dance instruction, aerobics classes, music lessons, preschools, child day care, crafts classes, and other similar uses. For all such uses, the Farmington City Building Official shall inspect the facilities to ensure compliance with the requirements of the Uniform Building Codes. (Section 11-35-014 (1) (a)).

A foster home, child day care center, or preschool shall not have more than five (5) children at one time except as provided in Section 11-35-104 below (Section 11-35-103 (11)).

Cindy Roybal seconded the motion, which passed by unanimous vote.

Reasons for the motion included:

1. The motion brings Farmington standards in compliance with State code.
2. Farmington will be in compliance with most of the surrounding communities regarding pre-school and similar facilities.

3. Conditional use approval will still be required of all such facilities.
4. The motion provides for services for more children.

CITY COUNCIL REPORT AND MISCELLANEOUS

Mr. Petersen reported that Farmington Greens had requested an amendment to their plat for 2 lots. The City Planner had reviewed the situation with the City Attorney, wherein the attorney felt the issue could be handled by the City Council alone. However, the developers of Farmington Greens have also asked for an amendment to their master plan. That request will come before the Planning Commission.

ADJOURNMENT

Sid Young *MOVED* to adjourn at 6:55 P.M.

Linda Hoffman, Chairman
Farmington City Planning Commission